## Case 2:23-cv-05664-HDV-MAR Document, Zentral District of California Page ID #:38 CIVIL COVER SHEET

|   | a) DI AINTIFFC / Cha   | -I. I.        | :6   |                 | +:  |   | DEFENDANTS  |                          | Clarateta   | : <b>:</b>   |  |   |  | `               |
|---|--|---------------|--|-----------------|---|---|---|--------------------------|---|--|--|---|--|-----------------|
| I. (a) PLAINTIFFS ( Check box if you are representing yourself)   |  |               |  |                 |   | <b>DEFENDANTS</b> ( Check box if you are representing yourself )  |   |                          |   |  |  |   |  |                 |
| TRADER JOE'S COMPANY  |  |               |  |                 |   | TRADER JOE'S UNITED   |   |                          |   |  |  |   |  |                 |
| (b)   | County of Residence  | e of I        | -<br>irst Listed Plain   | tiff            | Los Angeles Co  | unty  | County of Residence of First Listed Defendant Hampden County  |                          |   |  |  |   |  |                 |
| (EX   | CEPT IN U.S. PLAINTIFF CASE  | ES)           |  |                 |   |   | (IN U.S. PLAINTIFF CASES ONLY)  |                          |   |  |  |   |  |                 |
| (c) Attorneys ( <i>Firm Name, Address and Telephone Number</i> ) If you are representing yourself, provide the same information.  |  |               |  |                 |   | Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. |   |                          |   |  |  |   |  |                 |
| O'MELVENY & MYERS LLP<br>Two Embarcadero Center, 28th Floor, San Francisco, California 94111-3823<br>Telephone: +1 415 984 8700   |  |               |  |                 |   | JULIEN MIRER SINGLA & GOLDSTEIN, PLLC WHITEHALL, SIXTEENTH FLOOR, NEW YORK, NEW YORK 10004 (212) 231-2235           |   |                          |   |  |  |   |  |                 |
| II.   | BASIS OF JURISDIC  | TIOI          | N (Place an X in o   | ne b            | oox only.)  | III. CI   | TIZENSHIP OF PR   | RIŅ                      | CIPAL P   | ARTIES-For D   | iversity Cas   | es On   | y  |                 |
| (Place a  |  |               |  |                 |   | lace an X in one bo   | x fo<br><b>TF</b>   | r plaintif<br><b>DEF</b> |   |  |  | PTF   | DEF  |                 |
|   |  |               | Citizen  | o of This State |   |   | Incorporated or of Business in th   |                          | ce  | 4  | 4  |   |  |                 |
|   | Plaintiff  |               |  |                 | ,   |   | of Another State 2 2 Incorporated and Principal Place 5 GBusiness in Another State  |                          |   |  |  | 5   |  |                 |
|   |  |               |  |                 | or Subject of a<br>Country  | 3 G 3 Foreign Nation G 6 G  |   |                          |   |  |  |   |  |                 |
| IV  | . ORIGIN (Place an X i   |               |  |                 | •   |   |   |                          |   | 6. Multic  | district   | 8 Mi  | ultidistri   | ct.             |
| X   |  | emov<br>ate C |  |                 |   | instated<br>opened  |   |                          |   | ner Litiga<br>Trans  | tion -   | Lit   | igation<br>rect File   | -               |
| ٧.  | REQUESTED IN COM   | /IPL/         | AINT: JURY DE  | MA              | ND: X Yes   | No  | (Check "Yes" o  | nly                      | if dema   | nded in comp   | olaint.)   |   |  |                 |
|   | CLASS ACTION under F.R.Cv.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$ N/A  |               |  |                 |   |   |   |                          | _   |  |  |   |  |                 |
| VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) FEDERAL TRADEMARK INFRINGEMENT (15 U.S.C. §§ 1114-1118, 1125); FEDERAL UNFAIRCOMPETITION; FEDERAL TRADEMARK DILUTION (15 U.S.C. §§ 1125(c)); CALIFORNIA STATUTORY UNFAIR COMPETITION (Cal. Bus. & Prof. Code §§ 17200 et. seq.); CALIFORNIA COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION |  |               |  |                 |   |   |   |                          |   |  |  |   |  |                 |
| 51  | ATUTORY UNFAIR COMPET  | TITIO         | N (Cal. Bus. & Prof. C   | .ode            | §§ 17200 et. seq.); C/  | ALIFORI   | NIA COMMON LAW TI   | KADE                     | EMARK INI   | FRINGEMENT AN  | D UNFAIR CC  | JIVIPEII  | TION   |                 |
|   | ATUTORY UNFAIR COMPET  I. NATURE OF SUIT (F  |               |  |                 | •••   | ALIFORI   | NIA COMMON LAW TI   | KADE                     | EMARK INI   | FRINGEMENT AN  | D UNFAIR CC  | JIVIPE I  | TION   |                 |
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FOR OFFICE USE ONLY:

Case Number:

CV-71 (10/20) CIVIL COVER SHEET Page 1 of 3

## Case 2:23-cv-05664-HDV-MAR Document, Central District of California Page ID #:39 CIVIL COVER SHEET

**VIII. VENUE**: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

| QUESTION A: Was this case removed from state court?  Yes No  | STATE CASE WAS PENDING  | INITIAL DIV   | INITIAL DIVISION IN CACD IS:   |   |   |  |  |
|--|---|---|--|---|---|--|--|
|  | Los Angeles, Ventura, Santa Barbara,  | \   | Western  |   |   |  |  |
| If "no, " skip to Question B. If "yes," check the box to the right that applies, enter the         | Orange  |   |  | S   | Southern  |  |  |
| corresponding division in response to Question E, below, and continue from there.                  | Riverside or San Bernardino   |   | Eastern  |   |   |  |  |
|  |   |   |  | ·   |   |  |  |
| QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? | <b>B.1.</b> Do 50% or more of the defendants we the district reside in Orange Co.? <i>check one of the boxes to the right</i>                                     | YES. Your case will initially be assigned to the Southern Division  Enter "Southern" in response to Question E, below, and continue from there. |  |   |   |  |  |
| ☐ Yes ⋉ No   |   |   | NO. Continue to Question B.2.  |   |   |  |  |
| If "no, " skip to Question C. If "yes," answer<br>Question B.1, at right.                          | <b>B.2.</b> Do 50% or more of the defendants we the district reside in Riverside and/or San Counties? (Consider the two counties tog                              | Bernardino  | YES. Your case will initially be assigned to the Eastern Division.  Enter "Eastern" in response to Question E, below, and continue from there. |   |   |  |  |
|  | check one of the boxes to the right   | •   | NO. Your case will initially be assigned to the Western Division.  Enter "Western" in response to Question E, below, and continue from there.  |   |   |  |  |
| QUESTION C: Is the United States, or   | <b>C.1.</b> Do 50% or more of the plaintiffs who  | o reside in the   | VEC Vour   | raco will initially be assigned                           | d to the Southern Division  |  |  |
| one of its agencies or employees, a DEFENDANT in this action?                                      | district reside in Orange Co.?  check one of the boxes to the right   | •   | YES. Your case will initially be assigned to the Southern Div<br>Enter "Southern" in response to Question E, below, and con<br>from there.     |   |   |  |  |
| ☐ Yes 区 No   | ,   |   | ☐ NO. Contir   | nue to Question C.2.                                      |   |  |  |
| If "no, " skip to Question D. If "yes," answer<br>Question C.1, at right.                          | <b>C.2.</b> Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) |   | YES. Your case will initially be assigned to the Eastern Division.  Enter "Eastern" in response to Question E, below, and continue from there. |   |   |  |  |
|  | check one of the boxes to the right   |   |  | tern" in response to Questi                               | will initially be assigned to the Western Division.<br>In response to Question E, below, and continue |  |  |
| QUESTION D: Location of plaintiff  | s and defendants?   | Orar  | <b>A.</b><br>nge County  | <b>B.</b><br>Riverside or San<br>Bernardino County        | C.<br>Los Angeles, Ventura,<br>Santa Barbara, or San<br>Luis Obispo County                            |  |  |
| Indicate the location(s) in which 50% or reside. (Check up to two boxes, or leave                  | more of <i>plaintiffs who reside in this dist</i><br>blank if none of these choices apply.)   | rict  |  |   | $\boxtimes$   |  |  |
| Indicate the location(s) in which 50% or district reside. (Check up to two boxes, capply.)         | more of <i>defendants who reside in this</i><br>or leave blank if none of these choices   |   |  |   |   |  |  |
| D.1. Is there at least one   | answer in Column A?   |   | D.2. Is there a  | it least one answer in (                                  | Column B?   |  |  |
| Yes  | Yes No  If "yes," your case will initially be assigned to the  EASTERN DIVISION.  Enter "Eastern" in response to Question E, below.                               |   |  |   |   |  |  |
| If "yes," your case will initia  |   |   |  |   |   |  |  |
| SOUTHERN D   |   |   |  |   |   |  |  |
| Enter "Southern" in response to Question   |   |   |  |   |   |  |  |
| lf "no," go to questio   | n D2 to the right.  | lf  | ,  | ill be assigned to the WEST<br>n" in response to Question |   |  |  |
| QUESTION E: Initial Division?  | INITIAL DIVISION IN CACD  |   |  |   |   |  |  |
| Enter the initial division determined by (   | WESTERN   |   |  |   |   |  |  |
| QUESTION F: Northern Counties?   |   |   |  |   |   |  |  |
| Do 50% or more of plaintiffs or defendar   | nts in this district reside in Ventura, Sa  | nta Barbara,  | or San Luis Obis   | po counties?  | Yes X No  |  |  |

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## Case 2:23-cv-05664-HDV-MAR Document, CENTRAL DISTRICT OF CALIFORNIA Page ID #:40 CIVIL COVER SHEET

| IX(a). IDENTICAL CASES: Has this action been previously filed in this court?   | ⋈ NO                   | YES              |  |  |  |  |  |  |
|--|------------------------|------------------|--|--|--|--|--|--|
| If yes, list case number(s):   |                        |                  |  |  |  |  |  |  |
| X(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed                 | in this court?         |                  |  |  |  |  |  |  |
|  | ⋉ NO                   | YES              |  |  |  |  |  |  |
| If yes, list case number(s):   |                        |                  |  |  |  |  |  |  |
| Civil cases are related when they (check all that apply):  |                        |                  |  |  |  |  |  |  |
| A. Arise from the same or a closely related transaction, happening, or event;  |                        |                  |  |  |  |  |  |  |
| B. Call for determination of the same or substantially related or similar questions of law and fact; or                        |                        |                  |  |  |  |  |  |  |
| C. For other reasons would entail substantial duplication of labor if heard by different judges.                               |                        |                  |  |  |  |  |  |  |
| Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deer                    | m cases related.       |                  |  |  |  |  |  |  |
| A civil forfeiture case and a criminal case are related when they (check all that apply):                                      |                        |                  |  |  |  |  |  |  |
| A. Arise from the same or a closely related transaction, happening, or event;  |                        |                  |  |  |  |  |  |  |
| B. Call for determination of the same or substantially related or similar questions of law and fact; or                        |                        |                  |  |  |  |  |  |  |
| C. Involve one or more defendants from the criminal case in common and would entail substallabor if heard by different judges. | antial duplication of  |                  |  |  |  |  |  |  |
| X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): /s/ David R. Eberhart   | DATE: 07/13/2023       | }                |  |  |  |  |  |  |
| Notice to Councel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form C                 | V 71 and the informati | on contained her |  |  |  |  |  |  |

**Notice to Counsel/Parties:** The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained hereir neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code<br>861 | <b>Abbreviation</b><br>HIA | Substantive Statement of Cause of Action  All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
|----------------------------|----------------------------|--|
| 862                        | BL                         | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)  |
| 863                        | DIWC                       | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))  |
| 863                        | DIWW                       | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))   |
| 864                        | SSID                       | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.  |
| 865                        | RSI                        | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))   |

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